



UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tony Harris, *et. al*

Serial No. : 09/787,117

Conf. No. 1101

Filed : June 29, 2001

Art Unit : 2624

Title : GRAPHICAL USER
INTERFACE

Examiner : Lucas Divine

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on April 13, 2005.


Todd Williams

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Restriction Requirement dated March 14, 2005, the Examiner required election under 35 U.S.C. §121 between the claims of the following groups:

- | | |
|-----------|--|
| Group I. | Invention of Printer Driver with Graphical User Interface disclosed on pg. 9, lns. 1-25; pg. 20, ln. 3 to pg. 33, ln. 10. |
| Group II. | Invention of Detecting Consumable Status and Ordering Consumable Supplies disclosed on pg. 12, ln. 9 to pg. 13, ln. 10; pg. 33, ln. 12 to pg. 34, ln. 3. |

Applicants provisionally elect to prosecute Group II, namely, claims 17 to 19, 26 to 30, 32 to 39, 40/26 to 4/28, 40/32 to 40/35, 40/37, 41/17 to 41/19, 41/38, 41/39, 42/29,

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42/30, 42/36, 43/17 to 43/19, 43/38, 43/39, 44/17 to 44/19, 44/38, 44/39, 45/29, 45/30, 45/36, 46/29, 46/30, 46/36, 47/26 to 47/28, 47/32 to 47/35, 47/37, 48/26 to 48/28, 48/32 to 48/35, 48/37, 49/26 to 49/28, 49/32 to 49/35 and 49/37, with traverse.

Applicants respectfully remind the Examiner that M.P.E.P. §803 provides that:

[i]f the search and examination of an entire application can be made *without serious burden*, the Examiner *must examine* it on the merits, even though it includes claims to distinct or independent inventions (emphasis added).

Thus, in order for a restriction requirement to be valid, the Examiner must establish the following two criteria: (1) the existence of distinct and independent inventions (35 U.S.C. §121); and (2) a serious burden which results from the search and examination of the entire application. *Id.*

In the present case, the Examiner has not demonstrated that a search of Groups I and II would constitute an undue burden. In fact, a search of Group I would likely reveal references relevant to Group II. Therefore, a search and examination of all the claims currently categorized under Groups I and II does not create a serious enough burden to justify the restriction requirement. Consequently, reconsideration and withdrawal of the restriction requirement is respectfully requested.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-832-1257.

Please apply any fees or credits due in this case to Deposit Account 06-1448 referencing Attorney Docket No. SWO-001.01 (18463-101).

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Respectfully submitted,

Date: 4/13/2005

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